IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 3656 of 2007(I)

PETITIONER:

K.SHAMSUDHEEN, AGED 42,
KAVINATHUMOOLAYIL VEEDU, KANNAMPALLY BHAGOM,
KEERIKKADU, KAYAMKULAM P.O., REPRESENTED BY
POWER OF ATTORNEY HOLDER, ISAHAKKUNJU,
ALACKAL PUTHENVEEDU, CHIRACKADAVAM,
KAYAMKULAM.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS:
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1. **REGIONAL TRANSPORT AUTHORITY,**
   KOLLAM, REPRESENTED BY ITS SECRETARY.

2. **THE SECRETARY,**
   R.T.A., KOLLAM.

BY GOVERNMENT PLEADER SMT.M.K. PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.3656/2007 I

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE DECISION OF FIRST RESPONDENT AT ITS MEETING HELD ON 29/08/2006 IN ITEM NO.38.**

EXT.P2: **COPY OF THE APPLICATION FOR RENEWAL OF PERMIT DTD. 12/12/2006.**

EXT.P3: **COPY OF THE REPRESENTATION DTD. 15/01/2007 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**

EXT.P4: **COPY OF THE CASH RECEIPT FOR RS.5000 IN RESPECT OF FEE FOR APPLICATION FOR RENEWAL OF REGULAR PERMIT.**

/TRUE COPY/

KSS

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 3656 OF 2007-I

JUDGMENT

The petitioner was having a regular permit on the route Oachira – Elampallur. He applied for renewal of that permit. The renewal application was rejected by the R.T.A., Kollam by order dated 25.1.2003, on the ground that the route overlaps a notified route. The appeal attempted against the said order before the S.T.A.T was also dismissed. The petitioner submits, as per the direction of this Court, he moved for renewal of the permit with necessary variation, avoiding the objectionable overlapping. The said modified application was allowed by Ext.P1 decision of the R.T.A dated 29.8.2006. The permit was notionally renewed from 5.1.2001 to 4.1.2006. Though the petitioner cannot operate on the strength of the retrospective renewal, he wants it to be endorsed in his permit. He submits, so far, it has not been endorsed. The petitioner further submits, soon after the receipt of Ext.P1, he submitted Ext.P2 application for renewal of that permit. The said application is pending. So, he prays for disposal of that application in accordance with law.

2. I heard the learned Government Pleader for the respondents also.

She pointed out that Ext.P2 is a belated application.

3. The 2nd respondent is directed to endorse the decision contained in Ext.P1 in the permit of the petitioner within one month from the date of production of a copy of this judgment. If Ext.P2 is received and pending, the 1st respondent will consider and pass orders on it, as it is a statutory application filed by the petitioner along with a fee of Rs.5000/-. This, the 1st respondent shall do within two months from the date of production of a copy of this judgment. It is made clear that I have not expressed any opinion on the sustainability of Ext.P2.

The Writ Petition is disposed of as above.

28th February, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/